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8 Teresa Dominguez and Jesus Romero Garcia,
as Successors in Interest of Jesse Romero

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

TERESA DOMINGUEZ, individually and as Successor in Interest of Jesse Romero and JESUS ROMERO GARCIA individually, and as Successor in Interest of Jesse Romero.

Plaintiffs.

v.

CITY OF LOS ANGELES, an entity,
EDEN MEDINA, an individual police
officer with CITY OF LOS ANGELES
POLICE DEPARTMENT; and DOES
1 Through 10. Inclusive.

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES:

1. DEPRIVATION OF CIVIL RIGHTS (42 USC §1983);
2. DEPRIVATION OF CIVIL RIGHTS – FAILURE TO SUPERVISE, TRAIN AND TAKE CORRECTIVE MEASURES CAUSING CONSTITUTIONAL VIOLATIONS (42 USC §1983);
3. DEPRIVATION OF CIVIL RIGHTS - FAILURE TO PROVIDE MEDICAL CARE (42 USC §1983)
4. DEPRIVATION OF CIVIL RIGHTS - *MONELL* VIOLATIONS (42 USC §1983);
5. ASSAULT AND BATTERY AND WRONGFUL DEATH;
6. NEGLIGENCE.

[DEMAND FOR JURY TRIAL.]

COMPLAINT FOR DAMAGES

COMES NOW PLAINTIFFS, Teresa Dominguez and Jesus Romero Garcia as Successor in Interest of decedent JESSE ROMERO, individually in their Complaint against defendants CITY OF LOS ANGELES (hereinafter also referred to as, "CITY"); EDEN MEDINA AND DOES 1 THROUGH 10, inclusive (collectively "Defendants"), allege as follows:

PRELIMINARY STATEMENT

8 1. This civil rights action seeks compensatory and punitive damages from
9 individual police officers, from senior Los Angeles Police Department officials, and
10 from the City of Los Angeles for violation of fundamental rights under the United
11 States Constitution and state law in connection with the brutal and tragic police
12 shooting and killing of 14 year old Minor, JESSE ROMERO on August 9, 2016.

JURISDICTION AND VENUE

14 2. This civil action is brought for the redress of alleged deprivations of
15 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, the
16 Fourth and Fourteenth Amendment of the United States Constitution, and the
17 California Constitution. Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343, and
18 1367.

19 3. Venue is proper in this Court under 28 U.S.C. § 1391(b), because defendants
20 reside in, and in all incidents, events, and occurrences giving rise to this action
21 occurred in, the City of Los Angeles, California. Each Plaintiff herein timely and
22 properly filed tort claims pursuant to Cal. Gov. Code § 910 et seq. on October 6,
23 2016, and this action is timely filed within all applicable statutes of limitations.

PARTIES

25 4. Plaintiff TERESA DOMINGUEZ is the mother, successor in interest, and
26 heir at law of JESSE ROMERO, to the deceased. Plaintiff DOMINGUEZ is a
27 resident of the state of California and resided within the jurisdiction of the state of
28 California at all times herein alleged. She brings this claim for her personally and as

1 JESSE ROMERO's successor in interest as applicable, pursuant to California Code
2 of Civil Procedure §§ 377.30 and 377.60.

3 5. Plaintiff JESUS ROMERO GARCIA is the father, successor in interest, and
4 heir at law of JESSE ROMERO, to the deceased. Plaintiff ROMERO is a resident
5 of the state of California and resided within the jurisdiction of the state of
6 California at all times herein alleged. He brings this claim for him personally and as
7 JESSE ROMEROS's successor in interest as applicable, pursuant to California
8 Code of Civil Procedure §§ 377.30 and 377.60.

9 6. At all relevant times, Defendant City of Los Angeles, (hereinafter also
10 referred to as "CITY") California, and its police department is and was a duly
11 organized public entity and existing under the laws of the state of California.
12 Furthermore, at all relevant times, Los Angeles Police Department, was an agency
13 of the City of Los Angeles. Plaintiffs are informed and believe and thereon allege
14 that Defendants CITY and LAPD were the employers of EDEN MEDINA and
15 Defendants DOES 1-10.

16 7. Plaintiffs are informed and believe, and thereon allege, that Defendant EDEN
17 MEDINA is, and at all times herein mentioned was, duly appointed and acting as
18 police officer for Defendants CITY and LAPD, and was at all material times acting
19 under color of state of law, and as employee, agent and representative of every
20 other Defendant. Defendant EDEN MEDINA was acting under color of law and
21 within the course and scope of his employment, including but not limited to under
22 *California Government Code* Section 815.2, 820, and 825, with Defendants CITY
23 and LAPD on August, 9, 2016, the date of the incident and Defendant CITY is
24 legally responsible for all damages caused by the intentional and/or negligent
25 and/or otherwise tortuous conduct of Defendant EDEN MEDINA as alleged herein.
26 Plaintiffs have timely presented a Government Claim against said defendants under
27 California law and are timely naming them as Defendants herein and suing them for
28 damages under Federal and California state law as alleged herein.

1 8. At all relevant times mentioned herein, EDEN MEDINA, an individual, was
2 acting within the course and scope of his employment and under color of law as a
3 police officer, officer, sergeant, captain, commander, and/or civil employee of the
4 Defendant CITY OF LOS ANGELES and CITY OF LOS ANGELES POLICE
5 DEPARTMENT, and was authorized by the Defendant CITY to perform the duties
6 and responsibilities of a sworn police officer of and for these Defendants, and all
7 acts hereinafter complained of were performed by each of them within the course
8 and scope of his duties as a police officer, officer and official. Defendant EDEN
9 MEDINA is sued herein in his individual capacity and in his official capacity as a
10 police officer, officer, sergeant, captain and/or as other employee of Defendant
11 CITY.

12 9. At all relevant times hereto, EDEN MEDINA and all DOE Defendants
13 (DOES 1-10), and each of them, were acting within the course and scope of their
14 employment and under color of law as officers, deputies, sergeants, captains,
15 commanders, and/or civilian employees of the LAPD, a department and/or
16 subdivision of Defendant CITY and at all times were acting with permission and
17 consent of their co-Defendants. Said Defendants, and each of them, were
18 specifically authorized by Defendant CITY and/or the LAPD to perform the duties
19 and responsibilities of sworn police officers and/or deputies of and for the CITY,
20 and all acts hereinafter complained of were performed by them within the course
21 and scope of their duties as police officers, deputies, and officials for said
22 Defendant, and its police department, and are herein sued in their individual
23 capacities and in their official capacities as police officers, deputies, sergeants,
24 captain, commanders, supervisors, policy makers and/or as other employees of
25 Defendant CITY and LAPD. Said Defendants, and each of them, at all times
26 relevant hereto, were acting under color of law, under the color of the statutes,
27 ordinances, regulation, policies, customs, practices and usages of Defendant CITY,
28 and/or the LAPD.

10. Defendant CITY and the LAPD encouraged, assisted, ratified and/or with deliberate indifference failed to prevent all of the herein acts and omissions of Defendants, and each of them,

11. At all relevant times herein, Defendants DOES 1-10 were supervisors, employees and/or policy makers for Defendants CITY, which employed unlawful, organized and illegal customs and practices of use of unreasonable and/or excessive force and false arrests which lacked probable cause. Said misconduct was encouraged, tolerated and condoned by Defendants, and each of them.

12. At all relevant times to the present complaint, Defendants DOES 1-10, inclusive, were acting within their capacity as employees, agents, representatives and servants of Defendant CITY which is liable under the doctrine of *respondeat superior*, pursuant to Sections 815.2, 820 and 825 of the *California Government Code*, et al.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

13. Decedent JESSE ROMERO was born August 24, 2001, and he was 14 years old at the time of his tragic death.

14. On or about August 9, 2016, at approximately 5:30 P.M., Decedent JESSE ROMERO was in the vicinity of Cesar Chavez Avenue and Breed Street in Los Angeles, California, when Los Angeles Police Department officers, including defendant EDEN MEDINA, acting under the course and scope of their employment with the Department and as agents of Defendant CITY OF LOS ANGELES, negligently, unreasonably and/or recklessly assessed the circumstances presented to them and violently and unreasonably confronted JESSE ROMERO.

15. Upon information and belief, JESSE ROMERO was walking home when LAPD Officer EDEN MEDINA and other DOE Officer(s) began chasing JESSE ROMERO down Cesar Chavez Street.

16. Upon information and belief, JESSE ROMERO while running away from Defendants, turned onto Breed Street from Cesar Chavez Street where a gun is then thrown over a fence.

17. As JESSE ROMERO was running away from Defendant EDEN MEDINA, Defendant proceeded to fire his weapon directly to the back of Plaintiff JESSE ROMERO in a cold calculated manner.

18. Upon information and belief, Defendants EDEN MEDINA and DOE Officer(s) fired three initial shots at JESSE ROMERO, then unnecessarily fired an additional four shots.

19. The multiple shots fired by Defendant EDEN MEDINA and DOE Officer(s) struck and ultimately resulted in the death of JESSE ROMERO.

20. At the time JESSE ROMERO was shot and killed on August 9, 2016, Defendant EDEN MEDINA and Doe Officer(s) lacked probable cause to stop JESSE ROMERO and ultimately lacked probable cause to use deadly force against Decedent JESSE ROMERO.

21. Decedent sustained injuries, pain, suffering, and death when he was shot by Defendant EDEN MEDINA who was acting under the color of law and was an employee of LAPD. The decedent was unarmed at the time of the shooting and posed no imminent threat of death or serious bodily injury to any person.

22. After the shooting, the officers handcuffed JESSE ROMERO and delayed obtaining medical assistance for JESSE ROMERO.

FIRST CLAIM FOR RELIEF
DEPRIVATION OF CIVIL RIGHTS (42 U.S.C. § 1983)
(Against Defendant Officer EDEN MEDINA and
DOES 1 THROUGH 10, inclusive)

23. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1 through 22 of this Complaint with the same force and effect as if fully set forth herein.

1 24. The unjustified shooting of decedent by EDEN MEDINA and other unknown
2 Doe defendants deprived decedent of his rights, privileges, and immunities secured
3 by the Constitution and laws of the United States, including those secured by the
4 Fourth and Fourteenth Amendments to the Constitutions by among other acts,
5 subjecting decedent JESSE ROMERO to excessive force and deadly force where no
6 force was justified.

7 25. JESSE ROMERO'S death was a direct and proximate result of the
8 aforementioned violation of rights conferred by the United States Constitutions and
9 the wrongful acts and omissions perpetrated by Defendants while acting under the
10 color of law and pursuant to customs, policies, and/or procedures in violations of 42
11 U.S.C. § 1983.

12 26. This use of deadly force was excessive and unreasonable under the
13 circumstances. Defendant's actions thus deprived DECEDENY of his right to be
14 free from unreasonable searches and seizures under the Fourth Amendment and
15 applied to state actors by the Fourteenth Amendment. Plaintiffs have also been
16 deprived of the life-long love, companionship, comfort, support, society, care and
17 sustenance of decedent, and will continue to be so deprived for the remainder of
18 their natural lives.

19 27. The conduct of Defendants Officer EDEN MEDINA and DOES 1
20 THROUGH 10, inclusive was willful, wanton, malicious, and done with reckless
21 disregard for the rights and safety of decedent and therefore warrants the imposition
22 of exemplary and punitive damages as to Defendants Officer EDEN MEDINA and
23 DOES 1 THROUGH 10, inclusive.

SECOND CLAIM FOR RELIEF

**DEPRIVATION OF CIVIL RIGHTS – FAILURE TO SUPERVISE, TRAIN
AND TAKE CORRECTIVE MEASURES CAUSING CONSTITUTIONAL
VIOLATIONS – (42 USC §1983);**

(Against Defendant EDEN MEDINA and DOES 1-10)

1 28. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
2 through 27 of this Complaint with the same force and effect as if fully set forth
3 herein.

4 29. Plaintiffs are informed and believe, and thereon allege, Defendants DOES 1-
5 10 knew, or in the exercise of reasonable care should have known, of a history and
6 propensity and pattern, prior to and after the time of the use of excessive force
7 against JESSE ROMERO by officers of the Los Angeles Police Department
8 including but not limited to EDEN MEDINA, and DOES 1-10, to use excessive
9 force and unreasonable police tactics which lead to the unnecessary and
10 unreasonable uses of excessive force, or use unreasonable, out of policy or
11 unconstitutional police tactics to investigate police us of force incidents.

12 30. Defendants EDEN MEDINA, and DOES 1-10 knew, or in the exercise of
13 reasonable care should have known, that Los Angeles Police Department officers
14 have been involved in a high rate of officer-involved shootings in comparison to
15 other police department in recent years.

16 31. Notwithstanding this information and history of Los Angeles Police
17 Department officers, including but not limited to DOES 1-10, the Los Angeles
18 Police Department failed to train, supervise or discipline officers who used
19 excessive force, used unreasonable police tactics leading to the unnecessary and
20 unreasonable use of excessive force, used unreasonable and out of policy
21 unconstitutional police tactics to investigate police use of force incidents, or the
22 police department officers were the subject of prior complaint of allegations of
23 similar conduct and those who had been the subject of allegations in federal and
24 state courts to have violated constitutional rights of others in the course and scope
25 under color of law of their capacities as police officers of the Los Angeles Police
26 Department.

27 32. Defendants EDEN MEDINA, and DOES 1-10 disregard of this knowledge or
28 failure to adequately investigate and discover this patter, custom or practice of

1 unconstitutional violations, or existence of facts which creates the potential of
2 unconstitutional acts, violated their duty to supervise, train and instruct their
3 subordinate to prevent similar acts to other person as a result Plaintiff was harmed
4 in the manner threatened by the pattern, custom, or practice.

5 33. Defendants DOES 1-10 custom, practice, and policy resulted in their failure
6 to take steps to properly train, supervise, investigate or instruct Defendants EDEN
7 MEDINA, and DOES 1-10 on the use of excessive force, and this was the moving
8 force in the use of excessive force upon JESSE ROMERO.

9 34. As a legal result of the conduct of Defendants 2-10, as described above,
10 Plaintiff was damaged as alleged herein and as set forth above.

11 **THIRD CLAIM FOR RELIEF**

12 **DEPRIVATION OF CIVIL RIGHTS – 42 USC §1983 –**

13 **FAILURE TO PROVIDE MEDICAL CARE**

14 **(Against Defendant EDEN MEDINA and DOES 1-10)**

15 35. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
16 through 34 of this Complaint with the same force and effect as if fully set forth
17 herein.

18 36. The denial of medical care by Defendants EDEN MEDIINA and DOES 1-10
19 deprived JESSE ROMERO of his right to be secure in his person against
20 unreasonable searches and seizures as guaranteed to JESSE ROMERO under the
21 Fourth Amendment of the United States Constitution and applied to state actors by
22 the Fourteenth Amendment.

23 37. As a result, JESSE ROMERO suffered extreme pain and suffering and
24 eventually suffered a loss of life and earning capacity. Plaintiffs have also been
25 deprived of the life-long love, companionship, comfort, support, society, care, and
26 sustenance of JESSE ROMERO, and will continue to be so deprived for the
27 remainder of their lives. Plaintiffs are also claiming funeral and burial expenses and
28 a loss of future financial support.

1 38. Defendants EDEN MEDINA and DOES 1-10 knew that failure to provide
2 timely medical treatment to JESSE ROMERO could result in further significant
3 injury or the unnecessary and wanton infliction of pain, but disregarded that critical
4 medical need, causing JESSE ROMERO great bodily harm and death.

5 39. The conduct of Defendants EDEN MEDINA and DOES 1-10 was willful,
6 wanton, malicious, and done with reckless disregard for the rights and safety of
7 JESSE ROMERO and therefore warrants the imposition of exemplary and punitive
8 damages as to Defendants EDEN MEDINA and DOES 1-10.

9 40. Plaintiffs bring this claim as a successor in interest of JESSE ROMERO and
10 seeks both survival and wrongful death damages for the violation of JESSE
11 ROMERO's rights.

12 | 41. Plaintiffs also seek attorney's fees under this claim.

FOURTH CLAIM FOR RELIEF

**DEPRIVATION OF CIVIL RIGHTS – 42 USC §1983 - *MONELL*
VIOLATIONS (Against Defendant CITY)**

16 42. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
17 through 41 of this Complaint with the same force and effect as if fully set forth
18 herein.

19 43. The acts and omissions of all Defendants were engaged in maliciously,
20 callously, oppressively, wantonly, recklessly and with deliberate indifference to the
21 rights of Plaintiffs. Plaintiffs are informed and believe, and on the basis of such
22 information and belief, allege that Defendant CITY OF LOS ANGELES, through
23 its Police Department, with deliberate indifference and reckless disregard to the
24 safety, security and constitutional and statutory rights of JESSE ROMERO, and all
25 persons similarly situated, maintained, enforced, tolerated, permitted, acquiesced in,
26 and applied policies, practices or customs and usages of, among other things:

- 1 b. Selecting, retaining, and assigning officers with demonstrable propensities
2 for excessive force, violence and other misconduct;
- 3 c. Failing to adequately train, supervise, and control officers in the field of
4 law enforcement, including the use of force;
- 5 d. Failing to adequately discipline officers involved in misconduct;
- 6 e. Condoning and encouraging officers in the belief they can violate the
7 rights of persons such as JESSE ROMERO with impunity, and such
8 conduct will not adversely affect their opportunities for promotion and
9 other employment benefits;
- 10 f. Initiating, implementing, ratifying, maintaining, enforcing, tolerating,
11 permitting, and acquiescing in an illegal “Use and Escalation of Force
12 Policy” that does not adequately limit officers’ use of force to those cases
13 in which it is required to make a lawful arrest or protect an officer or
14 third-party from an immediate safety threat; and
- 15 g. Initiating, implementing, ratifying, maintaining, enforcing, tolerating,
16 permitting, and acquiescing in an illegal “Use and Escalation of Force
17 Policy” that failed to comply with the requirements of the law.

18 44. Plaintiffs are informed and believe, and on the basis of such information and
19 belief alleges, that Defendant CITY OF LOS ANGELES through its Police
20 Department ordered, authorized, acquiesced in, tolerated, permitted or maintained
21 customs and usages permitting the other defendants herein to engage in the
22 unlawful and unconstitutional actions, policies, practices and customs or usages set
23 forth in the foregoing paragraph. Defendants’ conduct as alleged herein constitutes
24 a pattern of constitutional violations based either on a deliberate plan by Defendants
25 or on Defendants’ deliberate indifference, gross negligence or reckless disregard to
26 the safety, security and rights of Plaintiffs and their decedent son.

1 45. As a result of Defendants' conduct and each of their violations of Plaintiffs'
2 and JESSE ROMERO's constitutional rights as set forth herein, Plaintiffs were
3 damaged as alleged above.

FIFTH CLAIM FOR RELIEF

ASSAULT AND BATTERY AND WRONGFUL DEATH

(Against Defendant EDEN MEDINA and DOES 1-10)

7 46. Plaintiffs repeat and reallege each and every allegation in paragraphs 1
8 through 45 of this Complaint with the same force and effect as if fully set forth
9 herein.

10 47. Defendants EDEN MEDINA and DOES 1-10, assaulted and battered the
11 decedent JESSE ROMERO, causing his death.

12 48. As a result of Defendants' acts as set forth herein, Plaintiff was damaged as
13 alleged above.

SIXTH CLAIM FOR RELIEF

NEGLIGENCE

(Against All Defendants and DOES 1-10)

17 49. Plaintiffs repeat and reallege each and every allegation in paragraphs 1
18 through 48 of this Complaint with the same force and effect as if fully set forth
19 herein.

20 50. Defendants EDEN MEDINA and DOES 1-10 had a duty to Plaintiff to
21 comply with the minimal Los Angeles Police Department's training mandated for
22 tactical firearms training; to not utilize careless or reckless police tactics that could
23 create a dangerous circumstance or heighten a situation of danger that could result
24 in the use of unnecessary force; to comply with the minimal Los Angeles Police
25 Department's training mandated for tactical firearms training; to cause discharge of
26 their firearm unless it was justified under the totality of the circumstances; to
27 respond appropriately to persons they may believe are a possible suspect of an

1 offense without choosing to use deadly force before determining if the decedent
2 posed an immediate threat to the safety of the officers or to others.

3 51. Defendant DOE supervisors 2-10, acting within the course and scope of their
4 employment with the Los Angeles Police Department, had a duty to assure the
5 competence of their employees/agents Defendant DOES 1-10, but breached their
6 duty and were negligent in performance of their duties by selecting, hiring, training,
7 reviewing, periodically supervising, failing to supervise, evaluating the competency
8 and retaining their Defendant officers and/or employees and/or agents. The breach
9 of the duty of careful selection, hiring, training, review, supervision, periodic
10 evaluation of the competency and retention of such officers, counselors and other
11 staff created an unreasonable risk of harm to persons such as JESSE ROMERO.

12 52. Defendants EDEN MEDINA and DOES 1-10 breached their duty by using
13 excessive and deadly force against JESSE ROMERO.

14 53. As a direct and legal result of the aforesaid negligence, carelessness and
15 unskillfulness of Defendants, and each of them, and as a result of their breach of
16 duty of care to JESSE ROMERO, he was unlawfully shot and killed. Plaintiffs have
17 suffered damages as alleged above.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs requests entry of judgment in their favor and
20 against Defendants as follows:

21 A. For compensatory damages, including both survival damages and
22 wrongful death damages under federal and state law, in the amount to be
23 proven at trial;

24 B. For loss of financial support;

25 C. For punitive damages against the individual defendants in an amount to be
26 proven at trial;

27 D. For interest;

E. For reasonable costs of this suit and attorneys' fees, including pursuant to 42 U.S.C. § 1988; and;

F. For such further other relief as the Court may deem just, proper, and appropriate.

Respectfully Submitted,

Dated: June 20, 2017

GUIZAR, HENDERSON & CARRAZCO, LLP

By /s/
HUMBERTO GUIZAR
ATTORNEY FOR PLAINTIFFS

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

DATED: June 20, 2017 GUIZAR, HENDERSON & CARRAZCO, L.L.P.

/s/
HUMBERTO GUIZAR Esq.,
ATTORNEY FOR PLAINTIFFS